

Women and Gender-Diverse Migrant Workers in *Rural Canada*

RESEARCH SNAPSHOT

This research was funded by the Canadian Women's Foundation to better understand the conditions that women and gender-diverse workers with precarious migration status face in rural Canada. The research explores the experiences of migrant workers in the various streams of Canada's Temporary Foreign Worker Program – including the Seasonal Agricultural Workers Program (SAWP), the Caregiver Program, and the Stream for Lower-Skilled Occupations – focusing specifically on workers in the domestic and agricultural sectors.

The research aims to amplify experiences further exacerbated by processes of racialization, gendering, and stratifications of class affecting women and gender-diverse folks by highlighting the conditions migrant workers face, and identifying the structural and systemic factors that breed these conditions.

KEY TERMS

- Migrant workers
- Intersectional approaches or intersectionality
- Rural and remote
- Precarious migration
- Gender diversity



RESEARCH APPROACH

Researchers used a non-traditional literature review of over 75 sources focusing on the current conditions migrant workers face across rural Canada using academic journals, community-based reports, and news articles; and gathered the perspectives of 8 key informants working on the frontlines in advocacy and support sectors with migrant workers and non-status communities.

WHAT DOES THE RESEARCH INCLUDE?

- Policy recommendations identified in both the literature reviewed and shared by allies and advocates on the frontlines
- Insights from an environmental scan of the organizations and collectives working directly with women and gender-diverse migrant workers in rural areas across Canada
- A set of funding recommendations for the philanthropic sector to support projects engaging women and gender-diverse migrant and non-status workers

Overview of *Temporary Foreign Worker Programs*

1 SEASONAL AGRICULTURAL WORKER PROGRAM (SAWP)

- Established in 1966.
- Purpose is to “allow Canadian farm employers to hire workers from Mexico and the Caribbean on temporary visas when employers are unable to hire local workers to fulfill their labour demands.”
- Governed through bilateral agreements between states – participating countries: Mexico, Anguilla, Antigua and Barbuda, Barbados, Dominica, Grenada, Jamaica, Montserrat, St. Kitts-Nevis, St. Lucia, St. Vincent and the Grenadines, and Trinidad and Tobago.
- Workers can work in Canada for up to eight months in a calendar year, and are entitled to return year after year with no limit on the number of consecutive years of work.
- Workers in the SAWP do not have access to regular pathways to permanent residency.

2 STREAM FOR LOWER-SKILLED OCCUPATIONS

- In 1973, the Non-Immigrant Employment Authorization Program (NIEP) was established, later renamed the Temporary Foreign Workers Program.
- Low Skill Pilot Project (renamed the Stream for Lower-Skilled Occupations) was introduced under the TFWP in 2002, which opened up opportunities for companies to bring in temporary foreign workers to fill “low skill” jobs.
- Includes work in: agriculture, construction, retail, healthcare, in-home caregiving, food processing, and manufacturing.
- Workers in this stream do not have any pathways to permanent residency, working employer-tied contracts for up to 48 months in Canada at a time.



3 AGRICULTURAL STREAM

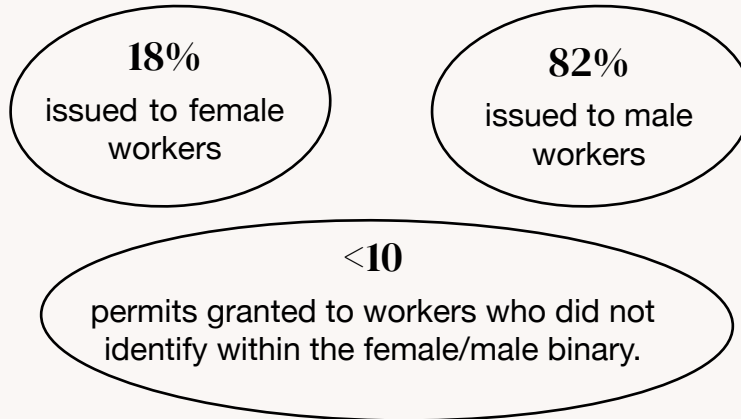
- The Agricultural Stream of the TFWP was established in 2011 (connected to the Lower-Skilled Occupations Stream).
- Not limited to specific countries, workers can be recruited from any country – no bilateral agreements involved.
- No standard employment contract as result of a lack of government regulation (due to absence of bilateral agreement).
- Private recruitment, rather than state-governed recruitment processes.

4 CAREGIVER PROGRAM

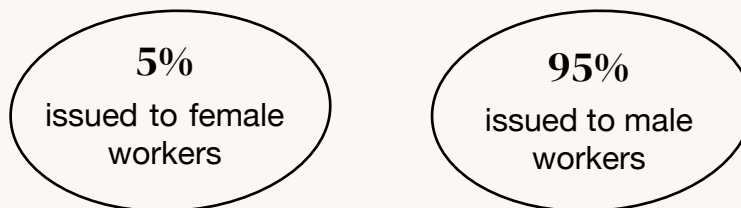
- Live-In Caregiver program established in 1992 in response to shortage of caregivers.
- Created a “guaranteed” pathway to PR for caregivers after living with employers for 24 months.
- LCP was replaced by the Permanent Residence Pilot and the Caregiver Program in 2014, differentiating between those coming to Canada to care for children and those caring for people with high-medical needs.
- “Guaranteed” pathway to PR was removed: caregivers now entered Canada as temporary migrant workers, and then after a set period of time, were able to apply for PR if they met criteria around education, language, and work experience.
- Program underwent another reform in 2019 – changes included: occupation-specific work permits; official job offer in Canada needed before being issued a permit; need to meet “standard criteria” for economic immigration programs; eligible to apply for PR after 2 years of Canadian work experience requirement is met.



98,000 temporary work permits were allocated in 2019

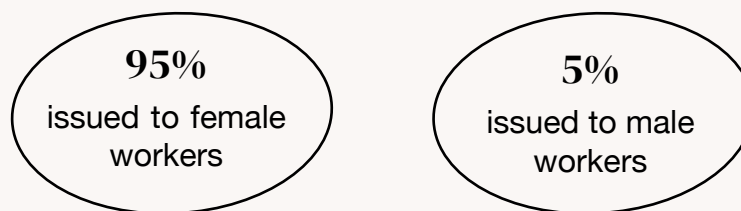


Of the total work permits allocated, 58% were given for work in the agricultural sector



In 2019, the top three countries in the agricultural sector were Mexico (25,467 permits), Guatemala (9,780 permits) and Jamaica (8,477 permits)

Of the total work permits allocated, 7% were given for work in the Caregiver Program



**Statistics collected from IRC's Gender Based Analysis 2020 report*

***The data is unclear around which program any gender non-conforming workers were accepted into. There is also a lack of data accounting for gender identity, focusing specifically on workers' sex assigned at birth.*

Understanding Women and Gender-Diverse Migrant Workers' *Lived Experiences*



Conditions that shape the lives of women and gender-diverse migrant workers

--- STRUCTURAL PRECARITY

Employer-specific work permits create conditions in which workers are often afraid to speak up about workplace safety concerns, exploitation, or abuse. Women and gender-diverse migrant workers have reported deportations for: leaving work premises without “permission” from employers; socializing; becoming pregnant; seeking support from organizations and advocates; and reporting sexual abuse, harassment and/or violence.

--- LACK OF LABOUR PROTECTIONS

The absence of protections for migrant workers in both the agricultural and caregiving sectors in Canada leads to exploitation and abusive working conditions. Women and gender-diverse migrant workers in TFW programs are pitted against one another through the use of “caps” that limit the number of spots in program streams available to women, as well as the number of PR applications accepted in the Caregiver Program. This often pushes them to extend their physical capacities to the limit on the job; submit to substandard housing, poor working conditions, and employer demands; and sometimes forgo medical attention – all in an attempt to protect their jobs.

--- LIVING CONDITIONS

Migrant workers in the TFWP are often reliant on their employers to arrange and provide housing during their stay in Canada, which further exacerbates the unequal power dynamics between employers and workers in these programs. For women and gender-diverse migrant workers, employer-tied housing allows employers to over-exert power and control over workers' bodies – through curfews, restrictions around leaving the property, and prohibiting men visitors. In domestic streams, employers' hyper-control over women workers' bodies is further exacerbated, with workers often physically isolated from other workers as a result of living-in. Living-in puts migrant workers more at risk of financial, physical, and psychological abuse, sexual assault, and systemic violence.

--- SOCIAL ISOLATION

Temporary migrant workers generally face social isolation as a result of their “permanent temporariness,” their physically isolated location in rural areas, and the impacts of racism and xenophobia in these communities. Women and gender-diverse people are particularly impacted by high levels of isolation due in great part to the power, control, and surveillance over their bodies inherent to patriarchal societies. There are countless examples of “rules” and prohibitions about if and when workers who are not men are able to leave their sites of work and living quarters. Caregivers in rural areas are often confined to their employers’ private residences, unable to forge social connections or engage in conversation with peers, having negative effects on their mental and physical health.

--- LACK OF TRANSPORTATION

Migrant workers in rural areas across all TFW program streams face transportation barriers and must often rely on their employers to access services and support; or on access to bicycles provided by allies and advocates. For women and gender-diverse individuals, this lack of access to transportation can increase risk factors to safety and well-being. Having to rely on employers and supervisors for transportation pushes women and gender-diverse individuals to not disclose health emergencies to employers in order to avoid increased scrutiny and possible deportation – impeding access to gender-specific social supports, and increasing barriers to creating community.

--- PARENTHOOD

Emotional support and caring in families and communities is highly gendered, often relegated to women and gender-diverse people in cis-heteronormative patriarchal societies. Many women in the TFWP choose to engage in temporary labour migration as a means of supporting their children – motivated by “maternal love.” As such, women and gender-diverse migrant workers are more likely to endure exploitative and abusive conditions on account of their responsibilities as a parent. Additionally, family separation fosters a sense of guilt rooted in societal expectations around “motherhood” and “parenthood” where women and gender-diverse migrant workers with children are seen both as the main financial “providers,” and at the same time are harshly judged for “leaving behind” their children and families.

--- PATRIARCHAL GENDER ROLES

Heteronormative and patriarchal values are built into the structures of the TFWP operating in ways that reinforce strict gender binaries and roles for migrant workers. Women are constructed in these spaces almost exclusively in terms of their roles as “mothers.” Framing women workers exclusively as “mothers” rather than whole people renders their bodies more subject to more criticism, control, and violence for defying the imposed boundaries of motherhood. As a result, many women report abuse from male coworkers, as well as criticism from wives of men migrant workers who accuse them of being “homewreckers.”

--- GENDER BINARIES

The rigid constructions of gender within the TFWP function to erase or invisibilize any gender identities that defy these imposed boundaries. This means that gender-diverse migrant workers – including trans and non-binary people– who do not fit neatly into these prescriptive boxes of “womanhood” are often forced to conceal themselves within these spaces. This ‘concealment’ is a safety strategy, as being out as trans or non-binary in these programs increases vulnerability to multiple forms of violence. This is especially true for gender-diverse workers situated rurally across Canada where communities and resources for queer and trans folks are located in large urban centers.



Challenges faced by women and gender-diverse migrant workers



ACCESS TO HEALTHCARE

Migrant workers face a number of significant barriers to healthcare access, including: having to rely on employers to physically receive health cards, waiting periods for public healthcare, transportation and scheduling challenges, and language barriers. Racialized women and gender-diverse migrant workers face heightened barriers as many studies show that they are often not believed about their symptoms or pain levels, and have access to very few options for culturally-reflective and gender-specific physical and mental health services.

ACCESS TO REPRODUCTIVE AND SEXUAL HEALTHCARE

Migrant workers are often hesitant to access sexual health services, particularly those like HIV-testing that might signal to the community that workers might identify as queer or trans, resulting in discrimination and added isolation from their peers and the community at large. Living rurally is a significant factor in workers' lack of access to abortions and other reproductive health services, compromising their rights. Pregnant migrant workers with precarious status often fear detention or deportation at the hands of employers, leading to a number of medical complications requiring emergency c-sections and increasing health risks to both parent and baby.

SOCIAL SUPPORTS

Migrant workers living in rural areas face a number of barriers to accessing social supports, including: lack of awareness, restrictive work hours, and transportation barriers. Having limited access to social supports often means workers are less equipped to advocate for themselves; have limited access to training opportunities, meaning they are unable to meet PR eligibility requirements; face more mental health challenges; and have few opportunities to build networks for collective action. Transportation barriers are exacerbated for women and gender-diverse workers as a result of the patriarchal power structures that allow employers to exert hyper-control over women and gender-diverse workers' bodies and movements.

CHILDCARE

Some women and gender-diverse workers in the various temporary foreign worker programs have children with them in Canada but are unable to access childcare; paid time off, or parental leave to care for their own children; and there are no affordable childcare options available to them.

LACK OF DIGNIFIED ACCESS TO BASIC SUPPLIES

Women and gender-diverse migrants face a lack of dignified access to basic supplies, including culturally-reflective foods and gender-specific items such as birth control medication, condoms, and pads.

VIOLENCE

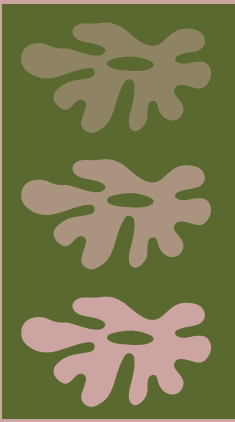
Precarious conditions created by employer-tied contracts, barriers to unionization, and social isolation breed environments that foster many types of violence across TFW programs. Many women and gender-diverse migrant workers experience sexual, verbal, physical, and emotional abuse by their peers, supervisors, and/or bosses. Additionally, structural violence within the TFWP makes it so that these cases are rarely ever reported: workers are warned not to "cause problems" if they want to continue working in the TFWP; abusive employers use the threat of deportation to assert control; and flawed program structures fail to guarantee the safety of women and gender-diverse workers who do report. As a result of their abusers often being their bosses and also their landlords, many women and gender-diverse migrant workers tolerate workplace sexual harassment. Moreover, women in TFW programs are more likely to experience intimate partner violence at higher rates than the general population, exacerbated by their lack of access to information about supports and resources available. Conditions enabling gender-based violence are even more dire for gender-diverse workers, whose experiences are rarely documented within TFWPs – despite the fact that 2SLGBTQI+ communities are three times more likely to experience this type of violence.

CLIMATE CRISIS

Extreme heat, floods, and wildfires are becoming common occurrences – particularly in provinces where many workers are working outdoors in fields. Migrant workers's experiences are often excluded from conversations around the impacts of these climate disasters, leaving them unprepared, without protection, and often without emergency services available to them.

COVID-19

The impacts of the pandemic have exacerbated the structural barriers, exploitative working conditions, isolating living conditions, and access challenges that migrant workers already face.



Policy Recommendations

The policy recommendations outlined in this section emerged from the literature reviewed, interviews with key informants, and our own experiences, knowledge, and understandings from engaging in migrant justice movements. They are also rooted in calls to action from breadth of migrant justice organizations working across Turtle Island, including but not limited to: *Justicia for Migrant Workers (J4MW)*, *Migrant Workers Alliance for Change*, *Kairos*, *Migrante BC*, *Coalition for Migrant Justice Rights Canada*, *Radical Action with Migrants in Agriculture*, *Vancouver Domestic Workers and Caregiver Rights*, and the *Migrant Rights Network*.

1 STATUS FOR ALL

Permanent residence status for all. This includes pathways to regularization that are clear, easily accessible, and straightforward for all migrant workers and non-status individuals, without a risk of deportation. They should not include prohibitive eligibility requirements around language and/or education. Migrant workers have already proven themselves capable of working, living, and navigating Canadian society with their current language and education levels – additional eligibility measures are exclusionary. Status for all should include all migrant workers, including queer and trans people. Family reunification should be prioritized under the TFWP. The frameworks guiding “who” and “what” constitutes a family must be redefined to account for people who do not fit into white settler-colonial and cis-heteronormative conceptualizations of family.

2 PUBLIC AND PRIVATE DETENTION CENTERS MUST BE ELIMINATED

Centers that criminalize and detain people for any amount of time based on a person’s immigration status should be abolished. The threat of detention as a result of one’s immigration status is often one of the root causes preventing workers with precarious status from accessing services and seeking support in exploitative situations. People without official immigration status should be able to access healthcare services in Canada and report employer abuse or violence – including workplace, labour-based, and gender-based harassment without fear of deportation.

3 END THE SYSTEM OF CLOSED WORK PERMITS

All TFW programs must eliminate employer-tied work permits, allowing workers the opportunity to change jobs, as a means of reducing oppressive power imbalances between employers and workers. Closed work permits must be replaced with unconditional open work permits, along with barrier-free pathways to permanent residency for migrant workers in all streams of the TFWP.

4 INCREASED REGULATION AND ACCOUNTABILITY FOR EMPLOYERS

Regulation of both workplaces and employer-provided accommodation should be increased, along with the introduction of employer accountability mechanisms in the case of non-compliance. Having mechanisms available to workers to report abuse and exploitation cannot be effective until workers no longer fear reprisals from employers.

5 REGULATION OF RECRUITMENT PRACTICES

Accountability measures must be introduced to oversee recruitment practices, including: removing recruitment fees; government regulation of recruiter licensing; and government supervision of employment contracts.

6 PROTECT MIGRANT WORKERS' LABOUR RIGHTS

The Canadian government should extend EI and WSIB benefits to all without restrictions. Federal and provincial governments must also eliminate exclusionary labour protection policies, including agricultural exclusions under the Employment Standards Act in Ontario and the exclusion of caregivers and agricultural workers from the Labour Relations Act – which denies workers the right to unionize.

7 EQUITABLE ACCESS TO HEALTHCARE

Migrant workers should have immediate access to healthcare and receive their public health cards upon arrival directly from authorities rather than through employers. Enrollment waiting periods should be eliminated. Health fairs and mobile clinics run by provincial health authorities should be made available in rural areas for migrant workers and provide translation and free interpretation; telehealth services; flexible hours of operation; etc. Migrant workers' temporary health insurance should be replaced with long-term, portable (non-employer tied) social security benefits beyond their stay in Canada. Gender-specific healthcare services should be made available and easily accessible to women and gender-diverse migrant workers, regardless of status, including reproductive health services and supplies such as: gynecological screenings, menstrual care, menopausal and perimenopausal services, STI screening and prevention, birth control and contraception, and prenatal and abortion services.

8 OPENING UP EDUCATIONAL OPPORTUNITIES

Migrant workers should have access to education services, including language classes and professional development courses, regardless of their immigration status. Migrant workers should have increased access to information and education about their rights in Canada. Accessible educational sessions should be built into TFWP streams (before arriving in Canada, upon entry, throughout contracts) to ensure that workers understand their rights within the context of labour protections, as patients in the healthcare system, and immigration pathways.

9 INVESTING IN SOCIAL SUPPORTS

The Canadian government must commit to funding emergency wraparound services for migrant worker survivors of violence and abuse, including: housing, transportation, food, mental healthcare, etc. This should include services that account for gender diversity, and that are queer-inclusive and friendly. Training for healthcare professionals should be provided.

